



Governing through removal: U.S. Immigration Law, ICE and mass deportation

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Abstract

Since returning to office in January 2025, President Donald Trump has significantly expanded immigration enforcement in the United States, framing mass deportations as a necessary measure to protect national security and public safety. Yet data shows that a majority of those detained by Immigration and Customs Enforcement (ICE) have no criminal convictions. This blog examines whether the Trump Administration's use of executive orders, emergency powers, and the Alien Enemies Act provides a lawful basis for large-scale deportations, and what these measures show about the limits of constitutional and international legal constraints. The analysis highlights the growing tension between current immigration enforcement practices and fundamental principles of due process, accountability, and the rule of law.

Key words: Migration law, deportation, ICE, United States, Donald Trump, unlawful arrests, ERO, One Big Beautiful Bill

Introduction

Visitors to [the ICE website](#) are greeted with slides asking whether they have ever wondered who ICE officers have arrested in their community, the so-called “worst of the worst”. The site encourages visitors to explore these arrests and even apply to join ERO. Their work is being described as essential for protecting “national security” and “public safety,” while also targeting those who “undermine the integrity” of the legal immigration process. Yet reality tells a different story. A November 2025 report by the Transactional Records Access Clearinghouse (TRAC) states that 73.6% of currently detained individuals have never been convicted of a criminal offence.¹ This reality raises urgent legal questions: Where, then, exactly is the threat to public

¹ ‘Taking Stock: Trump Administration Record on Detention and Removals’ (*Taking stock: Trump administration*

safety ICE claims to be addressing? And can mass deportations targeting non-criminal individuals be justified under U.S. law?

Disregard for (international) law

In an interview with the New York Times, President Trump stated that the main limits on his power were his “own morality,” and “own mind,” suggesting that international law would not constrain his actions.² Statements such as these have raised concerns among legal scholars regarding the administration’s approach to both international and constitutional law. It seems international law is not the only thing Trump doesn’t need as he has also shown a pattern of disregarding the U.S. Constitution. One of Trump’s executive orders aimed to abolish birthright citizenship, which the Fourteenth Amendment promises and protects.³ This executive order is currently blocked from taking effect. President Trump also disregarded the First Amendment right to freedom of speech when, for example, a student’s visa was revoked after she criticised her university’s policy toward Israel.⁴

Despite the Fifth Amendment, which guarantees the right to be indicted by a grand jury before being held to answer for a crime, hundreds of men have been sent to CECOT, a notorious prison in El Salvador, under mere allegations that they were gang members trying to invade the United States.⁵ These examples point to a broader pattern in which immigration enforcement is not carried out as an exceptional legal measure, but increasingly as a tool of executive power. To determine whether this ease of enforcement is grounded in law or exceeds it, the following section examines the legal framework governing deportation under U.S. immigration law.

record on detention and removals, 24 November 2025) <<https://tracreports.org/reports/767/>> accessed 3 February 2026

² Murray I and Stoddart M, ‘Trump Says His “own Morality” Is Limit to His Global Power’ (*ABC News*, 8 January 2026) <<https://abcnews.com/Politics/trump-morality-limit-global-power/story?id=129033900>> accessed 3 February 2026

³ <https://constitution.congress.gov/constitution/amendment-14/>

⁴ ‘Mass Deportation: Analyzing the Trump Administration’s Attacks on Immigrants, Democracy, and America’ (*American Immigration Council*, 14 January 2026) <<https://www.americanimmigrationcouncil.org/report/mass-deportation-trump-democracy/>> accessed 3 February 2026

⁵ Ibid.

Legal framework

President Trump initiated his mass deportation plan on 20 January 2025 by declaring a national emergency regarding immigration and issuing a series of executive orders on the topic, a total of 38 executive orders as of early 2026.⁶ These executive orders span from addressing visa applicants to birthright citizenship to border security.⁷ The executive orders issued by President Trump have shaped the way immigration law is enforced in the U.S., creating priority and discretionary protection to increase deportations. A pivotal moment occurred in March of 2025, when President Trump issued a [proclamation](#) in which he declared that Venezuelan citizens who are alleged members of the ‘Tren de Aragua’ gang would be removed under the Alien Enemies Act.⁸ This Act was a 1798 wartime authority that allows the president of the U.S. to detain or deport the citizens of an enemy nation without a hearing purely based on country of birth or citizenship from said country.

This wartime authority allows for deportation of foreigners without a hearing based solely on their birth country. While originally intended to prevent espionage during declared wars, it is now being applied despite the absence of an ongoing armed conflict. In March 2025, the Trump Administration deported 261 alleged Venezuelan gang members to CECOT in El Salvador; 137 of those deported men were removed under the Alien Enemies Act.⁹ Although a federal judge ruled in May 2025 that the Act could only be used if individuals are given 21 days’ notice to challenge the decision of removal, these safeguards remain insufficient.¹⁰ Repurposing a centuries-old national-defence law to bypass modern due process creates a disproportionate legal precedent that threatens the constitutional rights of both immigrants and citizens.

⁶ Chishti M, Bush-Joseph K and Putzel-Kavanaugh C, ‘Unleashing Power in New Ways: Immigration in the First Year of Trump 2.0’ (*Migration Policy Institute*, 13 January 2026) <<https://www.migrationpolicy.org/article/trump-2-immigration-1st-year>> accessed 3 February 2026

⁷ Pullig P and others, ‘A Summary of President Trump’s Immigration-Related Executive Orders’ (*Jackson Walker News*, 31 January 2025) <<https://www.jw.com/news/insights-trump-immigration-executive-orders/>> accessed 3 February 2026

⁸ Ebright KY, ‘The Alien Enemies Act, Explained’ (*Brennan Center for Justice*, 16 October 2024) <<https://www.brennancenter.org/our-work/research-reports/alien-enemies-act-explained>> accessed 5 February 2026

⁹ Santos SF, ‘Alien Enemies Act: The 1798 Law Trump Used to Deport Migrants’ (*BBC News*, 3 September 2025) <<https://www.bbc.com/news/articles/cy871w21d3vo>> accessed 5 February 2026

¹⁰ Ibid.

The One Big Beautiful bill

After relying on the contested use of the Alien Enemies Act to justify removals, the Administration did not step back. Instead, it escalated. The Administration moved from using the wartime authority to creating a Statutory foundation for its immigration agenda. On 4 July 2025, President Trump signed the One Big Beautiful Bill into law, but what does that mean for immigration law? In this bill, Trump states the borders will be permanently secured and that the bill will provide funding for at least one million annual removals.¹¹ The bill provides \$170.7 billion in additional funding for immigration enforcement activities to the DHS (Department of Homeland Security), ICE (Immigration and Customs Enforcement), CBP (Customs and Border Protection) and the DOD (Department of Defense) for military presence along the southern border.¹² There has been \$29.9 billion allocated for enforcement and removal, which includes hiring ICE agents and detaining families.

The funding does not, however, entail any orders on how to use it, rendering members of Congress unable to exercise any oversight on the use of funds.¹³ The only direction provided in the bill is that all the funds need to be spent by 30 September 2029.

Not only is the One Big Beautiful Bill making mass deportation possible, but it also significantly restricts the rights and access to public benefits of lawfully present immigrants, making their lives substantially harder. The bill strips lawfully present immigrants, such as refugees and approved applicants for lawful status under the Violence Against Women Act, of their access to Medicaid, the Children's Health Insurance Program (CHIP), Medicare, Supplemental Assistance Nutrition Program (SNAP) and premium tax credits.¹⁴

¹¹ 'Securing Our Borders' (*The White House*, 21 January 2025) <<https://www.whitehouse.gov/presidential-actions/2025/01/securing-our-borders/>> accessed 5 February 2026

¹² 'What's in the Big Beautiful Bill? Immigration & Border Security Unpacked' (*American Immigration Council*, 11 November 2025) <<https://www.americanimmigrationcouncil.org/fact-sheet/big-beautiful-bill-immigration-border-security/>> accessed 5 February 2026

¹³ Ibid.

¹⁴ Altman H, Broder T and D'Avanzo B, 'The Anti-Immigrant Policies in Trump's Final "Big Beautiful Bill," Explained - NILC' (*National Immigration Law Center*) <<https://www.nilc.org/resources/the-anti-immigrant-policies-in-trumps-final-big-beautiful-bill-explained/>> accessed 5 February 2026

Deaths in ICE custody

The expansion of immigration enforcement has not only led to a growing number of deportations, but also resulted in a growing number of deaths at the hands of ICE. There have been at least 32 reported deaths at the hands of ICE in 2025 and eight since the start of 2026. The American Immigration Council reported that more people died in ICE detention in 2025 than in the last four years combined.¹⁵ Most of these reported deaths were caused by health complications, but some families of the deceased have made claims of abuse and medical neglect against ICE.¹⁶

Among the most widely covered incidents at the hands of ICE are the deaths of Renee Good and Alex Pretti in Minneapolis. Renee Good was shot and killed by an ICE agent on 7 January 2026. Renee Good was shot and killed after reversing her vehicle away from federal agents during an ICE operation in Minneapolis. The agent responsible for Renee's death, Jonathan Ross, claimed he acted in self-defence as Renee was trying to allegedly run him over. According to the autopsy conclusions released by the law firm representing Renee Good's family, Renee had three gunshot wounds in her body, one gunshot through her head¹⁷. The frequency and placement of the wounds may be legally interpreted as excessive force rather than a justifiable defensive action. As of now there has not been an investigation lodged against the federal agent involved in Renee Good's death. The Justice Department has however announced a criminal investigation against Good's widow and her possible ties to activist groups. After the announcement, six federal prosecutors resigned from their position in protest of the investigation.¹⁸

On 24 January 2026, Alex Pretti was also shot and killed by a federal agent. The Trump Administration stated him to be an assassin who was carrying a gun with the intent to endanger the lives of law enforcement officers. Pretti was carrying a gun in his waistband, which an agent

¹⁵ 'Immigration Detention Is Harsher and Less Accountable than Ever' (*American Immigration Council*, 26 January 2026) <<https://www.americanimmigrationcouncil.org/press-release/report-trump-immigration-detention-2026/>> accessed 5 February 2026

¹⁶ Harb A, 'US Witnessed Many ICE-Related Deaths in 2026. Here Are Their Stories' (*Al Jazeera*, 27 January 2026) <<https://www.aljazeera.com/news/2026/1/27/us-witnessed-many-ice-related-deaths-in-2026-here-are-their-stories>> accessed 5 February 2026

¹⁷ 'Romanucci & Blandin Releases Findings from Independent Autopsy of Renee Good' (*Romanucci & Blandin*) <<https://www.rblaw.net/pressrelease-romanucci-blandin-releases-findings-from-independent-autopsy-of-renee-good>> accessed 27 February 2026

¹⁸ Grundy S, 'America's Contract to Protect White Women Has Always Been Tenuous' (*The Guardian*, 1 February 2026) <<https://www.theguardian.com/us-news/ng-interactive/2026/feb/01/white-supremacy-women-renee-good-ice-killing>> accessed 5 February 2026

already secured before Pretti was pinned down and shot multiple times in the back. As the shooting was filmed, videos came flooding in on the internet showing Pretti holding a phone and not a weapon, as the Trump Administration tried to claim. This incident hits at two constitutional rights the Trump Administration claims to protect: the First Amendment, which protects the right to protest, and the Second Amendment, which is the right to bear arms¹⁹. Pretti was legally exercising both of his rights; instead of respecting his rights, the Trump Administration painted him as an assassin, using the gun he was legally carrying as a justification for shooting him ten times²⁰. Such incidents raise questions about the consistent application of constitutional protections. After Pretti's death, gun rights groups started standing up against the Trump Administration.²¹ The uproar surrounding Alex Pretti's death caused President Trump to dial back and pull DHS Secretary Noem and ICE head official Greg Bovino out of Minneapolis and to call off an ICE operation in Maine. His dialing back did not last long, as he already stated he would not pull back operations at all.²²

What does the future hold?

People are demanding an immediate halt on all ICE operations in the United States. It is hard to say if their pleas will be heard, and even if they are, the scars from the ICE operations will still be left behind. Families broken up, children traumatised, and communities shattered all at the hands of the Trump Administration. What we are seeing is part of a pattern, a gradual escalation. With people like Stephen Miller as the Homeland Security Advisor and Project 2025 shaping the agenda, it's clear the Trump Administration will push even further.

At the same time, protests are growing, and there may be a breaking point. The deaths of Renee Good and Alex Pretti could become a watershed, or they might pass without change. Either way, what is happening right now in the U.S. is one of the most significant contemporary challenges to U.S. democratic institutions. How people, society, and institutions will respond will decide whether democracy holds or if polarisation and increasingly extreme policies continue to spread.

¹⁹ <https://constitution.congress.gov/constitution/amendment-1/>

²⁰ Zurcher A, 'Stephen Miller: The Aide Driving Donald Trump's Most Controversial Policies' (*BBC News*, 9 February 2026) <<https://www.bbc.com/news/articles/ce8rl71n4r3o>> accessed 27 February 2026

²¹ Streeter K, 'How Alex Pretti's Death Became a National Tipping Point' (*The New York Times*, 1 February 2026) <<https://www.nytimes.com/2026/02/01/us/alex-pretti-minneapolis.html>> accessed 5 February 2026

²² Kanno-Youngs Z, 'Trump Called for "De-Escalation" in Minneapolis. It Didn't Last Long.' (*The New York Times*, 30 January 2026) <<https://www.nytimes.com/2026/01/30/us/politics/trump-minneapolis-dueling-messages.html>> accessed 5 February 2026

The mistreatment of migrants puts us at a crossroads. This is a moment that truly matters; without any pushback the Trump Administration could keep sliding toward anti-democratic extremes. The choices made now will either hold democracy together or let it fall apart.

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